

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

MARCUS D. WRIGHT,)
)
Plaintiff,)
)
v.) No. 2:21-cv-00215-JPH-MG
)
T. J. WATSON, et al.)
)
Defendants.)

**ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION
AND TEMPORARY RESTRAINING ORDER**

Marcus DeShawn Wright,¹ who is in custody at the United States Penitentiary in Terre Haute, brought this action alleging that the defendants were deliberately indifferent to his safety by allowing him to be housed in the same prison as a former co-defendant who considers him a "snitch." The Court denied him leave to proceed *in forma pauperis* based on 28 U.S.C. § 1915(g), dismissed the action without prejudice, and entered final judgment. Dkt. 15 at 5-7; dkt. 16. Wright then filed a notice of appeal. Dkt. 17 (noting intent to appeal "the final judgment/order"). His appeal is pending in the

¹ Wright asserts that he has difficulty reading standard-sized fonts. Dkt. 8 at 2. The Court has used size-14 Bookman Old Style font for this Order.

Seventh Circuit Court of Appeals. *Wright v. Watson*, No. 21-2361 (7th Cir.). Now Wright has moved for a preliminary injunction or temporary restraining order based on claims about his conditions in the special housing unit.

"The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Wisc. Mut. Ins. Co. v. United States*, 441 F.3d 502, 504 (7th Cir. 2006) (quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)). Where, as here, a party has appealed a final judgment disposing of the entire case, "[t]he whole case" is put before the court of appeals. *Librizzi v. Children's Mem'l Med. Ctr.*, 134 F.3d 1302, 1306 (7th Cir. 1998); but cf. *Kusay v. United States*, 62 F.3d 192, 194 (7th Cir. 1995) (noting that the district court may still resolve "ancillary questions," like the assessment of costs). This Court has no jurisdiction to decide Wright's motion for a preliminary injunction or temporary restraining order, so that motion, dkt. [22], is **DENIED**.

SO ORDERED.

Date: 8/18/2021

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

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